IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14864 of 2007(T)

PETITIONER:

M.K.BALAKRISHNAN,
MARAYATHAMKANDY HOUSE,
KUNNATHARA AMSOM , KARUR DESOM,
KOYILANDY.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

----

1. **MEPPAYUR CO.OPERATIVE HOUSING SOCIETY,**
   REP.BY ITS SECRETARY, MEPPAYUR.

2. **THE JOINT REGISTRAR OF CO.OPERATIVE**
   SOCIETIES(ARBITRATION & EXECUTION)
   KOYILANDY NORTH.

3. **SENIOR INSPECTOR OF CO-OPERATIVE**
   SOCIETIES/ARBITRATOR-CUM SPL. SALE OFFICER,
   KERALA STATE CO-OPERATIVE HOUSING FEDERATION,
   KOZHIKODE-I.

BY GOVERNMENT PLEADER MRS. BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

==========

W.P(C).No.14864 of 2007

==========

Dated this the 11th day of May, 2007.

JUDGMENT

Petitioner is a defaulter to the first respondent – Bank. Pursuant to Ext.P2 award passed by the second respondent, mortgaged properties of the petitioner were attached and brought for sale and it is stated that the sale is scheduled to take place on 10.5.2007. According to the petitioner, on coming to know about the developments, he submitted Ext.P4 representation seeking the benefit of one time settlement. In the aforesaid circumstances, this Writ Petition has been filed seeking to quash Exts.P2 and P3 and directing the first respondent to consider Ext.P4 representation made by the petitioner for one time settlement.

2. Now that the sale is scheduled to take place on 10.5.2007, the petitioner cannot require this Court to postpone the sale in any manner nor is the petitioner entitled to challenge Ext.P2 award rendered in an arbitration proceedings as early as on 27.12.2002.

3. Taking into account pendency of Ext.P4, this Writ Petition is disposed of directing the first respondent to consider and pass orders

on Ext.P4, on its merits if the same has been received and is pending. Orders on Ext.P4 shall be passed within six weeks from the date of receipt of a copy of this judgment and in the meantime, the sale now scheduled to take place on 10.5.2007 can go on, but shall not be confirmed. The confirmation of the sale will depend upon the decision to be rendered by the first respondent on Ext.P4. The petitioner shall produce a copy of this judgment before the first respondent for compliance.

Antony Dominic
Judge.

ess 11/5